

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FRIAS HOLDING COMPANY, a Nevada corporation, ACE CAB, INC., a Nevada corporation,

Plaintiffs,

vs.

REGIONAL TRANSPORTATION COMMISSION OF SOUTHERN NEVADA,

Defendant.

Case No.: 2:10-cv-00649-RLH-PAL

ORDER

(Notice of Intent to Dismiss Pursuant to Rule 4(m)—#11; Motion for Preliminary Injunction—#6; Emergency Motion to Consolidate Hearing on Plaintiffs’ Motion for Preliminary Injunction with Trial on the Merits—#7)

Plaintiffs filed suit on May 5, 2010, alleging various trademark infringement and related claims. On September 19, 2010, the Court entered a Notice of Intent to Dismiss Pursuant to Fed. R. Civ. P. 4(m) (#11) due to Plaintiffs Frias Holding Company and Ace Cab, Inc.’s failure to provide the Court with proof of service for Defendant Regional Transportation Commission of Southern Nevada. Also before the Court are Plaintiffs’ Motion for Preliminary Injunction (#6), filed June 22, 2010, and Plaintiffs’ Emergency Motion to Consolidate Hearing on Plaintiffs; Motion for Preliminary Injunction with Trial on the Merits (#7), also filed June 22, 2010.

Plaintiffs have filed two motions but have not provided proof of service. Rule 4(m) of the Federal Rules of Civil Procedure states, “If a defendant is not served within 120 days after

1 the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss
2 the action without prejudice against that defendant or order that service be made within a specified
3 time.” Plaintiffs have failed to provide the Court with proof of service for Defendant Regional
4 Transportation Commission of Southern Nevada despite the Court’s notice of intent to dismiss.
5 Therefore, the Court dismisses this action.

6 Further, the outstanding motions are denied as moot. On June 22, 2010, Plaintiffs
7 filed two motions, one for a preliminary injunction (#6) and one to consolidate the hearing on the
8 preliminary injunction with trial on the merits (#7). These motions are denied as moot since the
9 Court has dismissed this action for failure to provide proof of service on Defendant Regional
10 Transportation Commission.

11 **CONCLUSION**

12 Accordingly, and for good cause appearing,

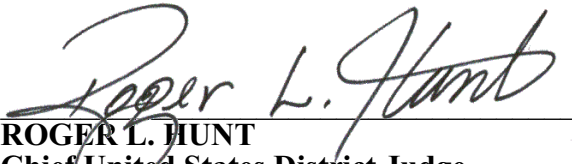
13 IT IS HEREBY ORDERED that Defendant Regional Transportation Commission
14 of Southern Nevada is dismissed.

15 IT IS FURTHER ORDERED that Plaintiffs’ Motion for Preliminary Injunction
16 (#6) is DENIED.

17 IT IS FURTHER ORDERED that Plaintiffs’ Emergency Motion to Consolidate the
18 Hearing on Plaintiffs’ Motion for Preliminary Injunction with Trial on the Merits (#7) is DENIED.

19 The Clerk of the Court is directed to close this case.

20 Dated: October 25, 2010.

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23 **ROGER L. HUNT**
24 **Chief United States District Judge**
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